

**SENATE JOURNAL
65TH LEGISLATURE
FOURTEENTH LEGISLATIVE DAY**

Helena, Montana
January 19, 2017

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Moore. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present, Senators Buttrey, Fielder, Fitzpatrick, and Small, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/19/2017

Correctly printed: **SB 22, SB 26, SB 28, SB 29, SB 52, SB 81, SB 130, HB 1.**
Transmitted to the House: **SB 4, SB 54, SB 62, SB 84.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair): 1/18/2017
SB 80, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "DENTISTS;"

Insert: "PROVIDING PRIORITY REQUIREMENTS FOR A LICENSED DENTIST'S STAFF;
PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 11.

Following: "limitations"

Insert: "-- rules -- certified dental assistants"

3. Page 1, line 16 through line 17.

Strike: "The performance" on line 16 through "dentist." on line 17

Insert: "The board shall determine by rule procedures that may be performed only by certified dental assistants under the general supervision of a licensed dentist. The board shall determine by rule the qualifications accepted as proof of education and certification. All other intraoral tasks by dental auxiliaries must be performed under direct supervision of a licensed dentist."

4. Page 1, line 17.

Insert: "(2) If a licensed dentist has a licensed dental hygienist on staff, any procedure done under the general supervision of a dentist must be performed by the hygienist first. If a licensed dentist does not have a hygienist on staff or the hygienist is not available to perform a procedure under the general supervision of a dentist, procedures to be performed under

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the general supervision of a dentist must be by the most experienced and qualified dental auxiliary present."

Renumber: subsequent subsections

And, as amended, do pass.

SB 89, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/18/2017
SB 14, do pass.

LOCAL GOVERNMENT (Webb, Chair): 1/18/2017
SB 2, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1.

Following: line 23

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

SB 34, do pass.

SB 39, do pass.

SB 79, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 1/18/2017
SB 83, introduced bill, be amended as follows:

1. Page 1, line 27.

Following: "dentist,"

Insert: "optometrist,"

And, as amended, do pass.

TAXATION (Blasdel, Chair): 1/19/2017
SB 85, introduced bill, be amended as follows:

1. Page 1, line 21.

Strike: "January 1, 2029"

Insert: "December 31, 2028"

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And, as amended, do pass.

Without objection, the committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/18/2017

HB 18, introduced by T. Jacobson
HB 68, introduced by M. Ryan
HB 83, introduced by B. Bennett
HB 98, introduced by J. Ellis
HB 115, introduced by G. Kipp
HB 120, introduced by J. Bachmeier
HB 122, introduced by C. Schreiner
HB 159, introduced by R. Cook

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 131, introduced by F. Thomas, referred to State Administration.
SB 132, introduced by T. Richmond, referred to Energy and Telecommunications.
SB 133, introduced by R. Webb, referred to Public Health, Welfare and Safety.
SB 134, introduced by R. Tempel, M. Blasdel, T. Gauthier, K. Regier, T. Richmond, D. Salomon, F. Thomas, J. Welborn, referred to Highways and Transportation.

The following Senate bill, previously introduced, was referred to committee:

SB 129, introduced by M. Caferro, referred to Public Health, Welfare and Safety.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 3, introduced by G. Vance, referred to Highways and Transportation.
SR 4, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SR 5, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 6, introduced by D. Ankney, referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

HB 18, introduced by T. Jacobson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 68, introduced by M. Ryan (by request of the Teachers' Retirement Board), referred to State

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Administration.

HB 83, introduced by B. Bennett (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 98, introduced by J. Ellis (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

HB 115, introduced by G. Kipp (by request of the Department of Revenue), referred to Taxation.

HB 120, introduced by J. Bachmeier (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 122, introduced by C. Schreiner (by request of the Board of Realty Regulation), referred to Business, Labor, and Economic Affairs.

HB 159, introduced by R. Cook, referred to State Administration.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 24 - Senator Welborn moved **SB 24** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.

Total 4

SB 46 - Senator Vincent moved **SB 46** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier,

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Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 3 - Senator Kary moved **SB 3** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.
Total 42

Nays: Hoven, Howard, Smith F, Whitford.
Total 4

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.
Total 4

SB 16 - Senator L. Jones moved **SB 16** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Buttrey, Fielder, Fitzpatrick, Small.

Total 4

SB 40 - Senator Sesso moved **SB 40** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Connell, Facey, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 42

Nays: Caferro, Cohenour, Gauthier, Hoven.

Total 4

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.

Total 4

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.

Total 4

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 22 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.

Total 4

SB 26 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Whitford, Wolken, Mr.President.

Total 34

Nays: Brown, Hinebauch, Hinkle, Hoven, Howard, Keenan, Lang, Osmundson, Regier, Smith C, Webb, Welborn.

Total 12

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.

Total 4

SB 28 passed as follows:

Yeas: Ankney, Blasdel, Brown, Caferro, Connell, Facey, Gauthier, Hinebauch, Hinkle, Hoven,

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Total 35

Nays: Barrett, Cohenour, Gross, MacDonald, Malek, McNally, Moe, Pomnichowski, Sands, Sesso, Whitford.

Total 11

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.

Total 4

SB 29 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.

Total 4

SB 52 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 43

Nays: Brown, Jones, Vance.

Total 3

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Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.

Total 4

SB 81 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr. President.

Total 44

Nays: Moore, Welborn.

Total 2

Absent or not voting: None.

Total 0

Excused: Buttrey, Fielder, Fitzpatrick, Small.

Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, January 20, 2017, the 15th legislative day. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate